

### REMARKS

Claims 1, 3-7 and 9-14 stand rejected under 35 USC 103(a) as being unpatentable over Namikawa, U.S. Patent No. 6,094,698 in view of Tanimoto, Japanese Patent Application No. 10-213997, and Oizumi, U.S. Patent No. 5,588,012. This rejection is respectfully traversed.

The Examiner asserts that Namikawa teaches the features of claim 1 but indicates that he agrees with applicants' previous assertions that Namikawa fails to explicitly disclose indicating whether or not a transfer of a control program is proceeding (see Office Action, pg. 3, item 4). The Examiner asserts, however, that Oizumi discloses such a feature and that it would have been obvious to modify Namikawa in view of Oizumi. The Examiner also asserts that Tanimoto teaches a power supply control device for controlling power supply to the optional device in response to the transfer state stored in the second storage medium. Applicants respectfully disagree.

First, as noted by the Examiner, Namikawa discloses an optional device, and also a printer and a scanner in column 3, lines 44-56 and column 11, lines 13-28. However, Namikawa's optional device is disclosed as G1, which means that it is disclosed as a device that is subject to rewriting of the program. On the other hand, the claimed optional paper discharge device (claim 1) and an ADF (claims 13 and 14) of the present application are, as is clear from Fig. 2 (optional device 110), separated from a main body which rewrites the program.

Next, Tanimoto discloses that the power source of the main body is turned off during rewriting of the program. However, Tanimoto fails to disclose that the power source of an optional device which is not related directly to the rewriting of program is also turned off. Oizumi also fails to disclose this feature.

Further, although Tanimoto does control suspension of the power supply, this is not *in response to the transfer state stored in the second storage medium*. Rather, Tanimoto determines whether to suspend the power supply based on two conditions, whether an IC card is loaded and whether the device is in the middle of a copy operation. This is clearly evident in paragraphs [0017] to [0020], referring to Fig. 3, where Tanimoto discloses that after the device reads a transfer

program from a flash ROM 4 (S401), an IC card 1 is loaded in a connector 2 (S402). Then, if not currently copying (NO at S403), the device suspends supply of alternating current from an AC power supply 8 to the fixing heater 7. Thus, Tanimoto does not teach that which the Examiner asserts.

Next, even assuming *arguendo* that the three cited references individually teach that which the Examiner asserts, applicants submit that one of ordinary skill in the art would not have been motivated to modify Namikawa in view of Oizumi and Tanimoto to create the claimed invention and that, even if combined, the combination would not correspond to the claimed invention.

As noted previously, in the system of Namikawa, when the facsimile device F is powered on (step S1 of Figure 3) the system determines if a number key (referred to as a “ten-key”) is being pressed. If a number key is being pressed, the system determines that a control program should be read from the facsimile device F and installed in the target external device Gn that corresponds to the number key that is pressed. Once this determination is made, *data* is transferred from the facsimile device F to the download area 26b of first external device G1, and then transferred from the first external device G1 to the download area 26b second external device G2 and so on until the data is transferred to the download area 26b of the target external device Gn. When it is determined that the data is stored in the download area 26b of the correct device Gn, the flash memory of that device is erased, and the data is transferred to the flash memory of the device.

In order to determine when the control *data* is resident in the download area of the target device Gn, Namikawa utilizes the information stored in the status area. This information is used by each external device to determine if the control program stored in the download areas 26b is targeted to the device. This is done by identifying the status as either a “1” or a “0” as shown in Figures 3 and 4, and using the status to control whether the device transfers the control program to another device as in Step S25 of Figure 4, or “transfers” the control program to the flash memory as in Step S7 shown in Figure 3. Thus, the “status” of Namikawa’s device has nothing to do with the

transfer status of the control program to the flash memory of the external device, but is instead used to determine if the *data* is resident in the download area 26b of the correct external device.

Thus, there would have been no motivation to modify Namikawa to change the status indicator to indicate whether or not a control program is being transferred because Namikawa's status indicator merely indicates whether the *data* (not a control program) is resident in the download area 26b of the correct external device.

Accordingly, applicants submit that even if Namikawa were modified to indicate the status of the transfer during the transfer, rather than after the transfer, this indication would be of whether this would mean indicating the status of the transfer of data, not of control programs. This does not correspond to the claimed invention.

Again, even if the references are combined, the combination would not have such a structure that the power source of an optional device, which is not subject to rewriting of the program, is also turned off.

In the present application, the power source of an optional device, other than a main body which executes rewriting of program, is turned off, thereby making it possible to avoid abnormal operation of optional parts during rewriting of the program of the main body. The optional device is particularly related to the operations performed by users such as placing and removing of paper. Therefore, avoiding the malfunction of this part has a significant effect.

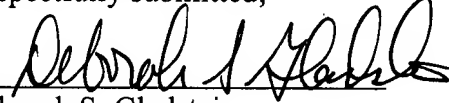
Claims 7, 13 and 14 are allowable for the same reasons claim 1 is allowable. The remaining claims are allowable at least due to their respective dependencies. Applicants respectfully request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to Deposit Account No. 03-1952 referencing docket no.  
325772022500.

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Respectfully submitted,

By   
Deborah S. Gladstein

Registration No.: 43,636  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102  
(703) 760-7753